

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CHARLES MORROW, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 3:07-cv-617-MHT
)	
FLOWERS FOODS, INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

Pending before the Court are Defendants “Motion for Protective Order and/or Motion to Quash Subpoena” relating to Zarco, Einhorn, & Salkowski (Doc. 106, filed April 29, 2008), “Brief in Support” (Doc. 107), Plaintiffs’ “Response” (Doc. 116, filed May 7, 2008), and Defendants’ “Reply” (Doc. 117, filed May 8, 2008). The Court held a hearing on the matter on June 3, 2008. Pursuant to discussions between counsel, the parties have reached an agreement regarding the review of the documents at this time. As such, the subpoena to the Zarco, Einhorn, & Salkowski is, at this time, unnecessary since Defendants are willing to permit Plaintiffs’ counsel to review the documents at the office in Atlanta, Georgia during the week of June 7, 2008. Thus, the subpoena at issue is quashed¹ and the resulting motion

¹ Plaintiffs may approach the Court to request renewing its document request to Zarco, Einhorn, & Salkowski should the review of the documents in Atlanta prove insufficient. However, it may be necessary to address Defendants privilege log prior to any issuance of another subpoena. Further, this Order should not be construed as having any effect on the Protective Order issued by the court in the Southern District of Florida.

is rendered moot.

Based on the above, the Court **ORDERS** the following:

- (1) The subpoena at issue directed to Zarco, Einhorn, & Salkowski is quashed without prejudice to reassert after the review of the documents at defense counsel's office in Atlanta, Georgia.
- (2) Defendants' "Motion for Protective Order and/or Motion to Quash Subpoena (Doc. 106) is DENIED as moot.

DONE this 3rd day of June, 2008.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE